

DOMINIQUE A. POLLARA, SBN 5742
POLLARA LAW GROUP
100 Howe Avenue, Suite 165N
Sacramento, California 95825
(916) 550-5880 - telephone
(916) 550-5066 - fax
Email: dp@pollara-law.com

WILLIAM D. COPE, Nevada SBN 1711
LAW OFFICES OF WILLIAM D. COPE, LLP
505 Ridge Street
Reno, NV 89501
(775) 333-0838 - telephone
Email: william@copebklaw.com

Attorneys for Defendants RENOWN REGIONAL MEDICAL
CENTER, MARTA J. BUNUEL-JORDANA, M.D., CAROLINE
VASENDIN, M.D., JOHANNA GRUEN, PH.D., MAEGEN SMITH,
RN and CAITLIN E. HERSCHEL, RN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE ESTATE OF JILL ANN ESCHE;
SIERRA JILL WOFFORD by and through
her guardian ad litem WAYNE
WOFFORD; and CAMRON SCOTT
ESCHE,

Plaintiffs,

vs.

RENOWN REGIONAL MEDICAL
CENTER; MARTA J. BUNUEL-
JORDANA, M.D.; CAROLINE
VASENDIN, M.D.; JOHANNA GRUEN,
PhD.; EARLE OKI, M.D.; MAEGEN
SMITH, RN; CAITLIN E. HERSCHEL, RN;
and DOES I-X,

Defendants.

CASE NUMBER: 3:21-cv-520

[Formerly Second Judicial District Court
for Washoe County, Nevada—Case No.
CV21-02087]

**DEFENDANTS' NOTICE OF
REMOVAL**

DEFENDANTS' NOTICE OF REMOVAL

Defendants Renown Regional Medical Center; Marta J. Bunuel-Jordana, M.D.;
Caroline Vasendin, M.D.; Johanna Gruen, Ph.D.; Maegen Smith, R.N.; and Caitlin E.
Herschel, R.N. (Collectively referred to herein as "Renown Defendants") hereby remove

Case No. CV21-02087 from the Second Judicial District Court for Washoe County, Nevada, to the United States District Court for the District of Nevada pursuant to 42 U.S.C. §§ 1983 and 1988; 28 U.S.C. §§ 1343, 1441, and 1446. As grounds for their removal, Defendants state as follows:

STATEMENT OF THE CASE

1. On November 22, 2021, Plaintiffs the Estate of Jill Ann Esche; S.J.W, a minor, by and through her guardian ad litem Wayne Wofford, and Camron Scott Esche filed a complaint in the Second Judicial District Court in and for the County of Washoe, Nevada styled *the Estate of Jill Ann Esche; S.J.W, by and through her guardian ad litem Wayne Wofford, and Camron Scott Esche v. Renown Regional Medical Center; Marta J. Bunuel-Jordana, M.D.; Caroline Vasendin, M.D.; Johanna Gruen, Ph.D.; Earle Oki, M.D.; Maegen Smith, R.N.; Caitlin E. Herschel, R.N.; and Does I–X*, Case No. CV21-02087 (the “State Court Action”). A copy of the Complaint without exhibits is attached as Exhibit A hereto.¹
2. The Renown Defendants have not been served in the State Court Action but have received a copy of the Plaintiffs’ Complaint via the state court’s website on November 22, 2021.
3. The Complaint alleges five causes of action: (A) a violation of decedent Jill Esche’s Fourth Amendment rights supporting a claim pursuant to 42 U.S.C. §1983; (B) a violation of decedent Jill Esche’s Fourteenth Amendment rights supporting a claim pursuant to 42 U.S.C. § 1983; (C) a violation of decedent Jill Esche’s civil rights due to a failure to train or supervise supporting a claim pursuant to 42 USC § 1983; (D) wrongful death due to medical negligence; and (E) negligence.

///

1

Plaintiffs’ Complaint has two exhibits attached to it. Defendants have not received the Exhibits and are unable to obtain them from the state court’s website as of this filing and therefore are unable to attach them to this Notice of Removal.

2

4. Plaintiffs' claims arise from decedent Jill Esche's care and medical treatment at Renown Regional Medical Center. Plaintiffs allege Defendants violated decedent Jill Esche's civil rights by restraining her for a mental health evaluation and administering medical care related to pregnancy and preeclampsia all pursuant to authority granted by Nevada state statutes.
5. Plaintiffs seek general damages, special damages, punitive damages, declaratory relief, attorney's fees, and costs of suit.

ORIGINAL SUBJECT MATTER JURISDICTION UNDER 28 U.S.C. §§ 1331, 1343(a)(3)

6. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1343(a)(3) and 42 U.S.C. § 1983 because Plaintiffs seek redress for the Defendants' alleged deprivation, under color state law, of decedent Jill Esche's rights secured by the Constitution of the United States. See Exhibit A, p. 10., ¶ 76; p. 12, ¶ 86; and p. 13, ¶ 101.

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

7. Pursuant to 28 U.S.C. § 1446(a) and Local Rule IA 10-1 and 10-3, a true and correct copy of all the pleadings and documents from the State Court Actions that Renown Defendants have received are being filed with this Notice of Removal. Renown Defendants will file true and legible copies of all other documents on file in the State Court Action pursuant to Local Rules IA 10-1 and 10-3 upon receipt.
8. This Notice of Removal has been filed within 30 days of the date that Renown Defendants received a copy of the Complaint from the state court's website. Removal is therefore timely in accordance with 28 U.S.C. § 1446(b)(1).
9. Upon information and belief, no Defendant has been served, and therefore no other Defendant's consent to removal is filed herewith, as required by 28 U.S.C. 1446(b)(2)(A).

1 10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a)
2 because the U.S. District Court for the District of Nevada is the federal
3 judicial district embracing the Second Judicial District Court for the Court of
4 Washoe State of Nevada., where the State Court Action was originally filed.

5 **CONCLUSION**

6 By this Notice of Removal, Renown Defendants do not waive any objections they
7 may have as to service, jurisdiction or venue, or any other defenses or objection they
8 may have to this action. Renown Defendants intend no admission of fact, law, or
9 liability by this Notice and expressly reserve all defenses, motions, and/or pleas.

10 Dated: December 21, 2021

11 **POLLARA LAW GROUP**

12
13 By 

14 DOMINIQUE A. POLLARA
15 Attorney for Defendants RENOWN
16 REGIONAL MEDICAL CENTER, MARTA
17 J. BUNUEL-JORDANA, M.D., CAROLINE
18 VASENDIN, M.D., JOHANNA GRUEN,
19 PH.D., MAEGEN SMITH, RN and
20 CAITLIN E. HERSCHEL, RN
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY SERVICE

Pursuant to FRCP 5(b), I hereby certify I am an employee of Nationwide Legal and that on 23rd day of December, 2021, I caused the foregoing DEFENDANTS' NOTICE OF REMOVAL to be served on all parties in this action by:

- ☒ placing an original or true copy thereof in a sealed envelope, postage prepaid, in the United States mail at Sacramento, Ca.
- ☐ personal delivery.
- ☐ facsimile (courtesy copy).
- ☐ electronically served by the Court upon filing of document(s).
- ☐ email (courtesy copy).
- ☐ UPS/Federal Express or other overnight delivery.

Fully addressed as follows:

Attorney	Representing	Phone/Fax/E-Mail
Stephen H. Osborne, Esq. Law Office of Stephen H. Osborne 232 Court Street Reno, NV 89501	Plaintiffs	(775) 789-4944 - phone (775) 322-5484 - fax Email: Stephen@stephenosbornelaw.com
Roger S. Doyle, Esq. Kerry S. Doyle, Esq. Doyle Law Office, PLLC 4600 Kietzke Lane, Ste. I-207 Reno, NV 89502	Plaintiffs	(775) 525-0889 - Phone (775) 229-4443 - Fax Email: roger@rdoylelaw.com kerry@doylelaw.com admin@doylelaw.com


An employee of NATIONWIDE LEGAL